

Application No.: 10/070,395
Docket No.: DC-0300

Page 6

REMARKS

Amendments to the Claims:

Applicants respectfully request that the following amendments be entered.

Original claims 1 – 9, 13 – 16, 22 and 25 have been cancelled.

Claim 10 has been amended to put it into independent form. It also now specifies that there is 20 to 60 parts by weight of polyethylene. Support for this may be found at page 8, lines 11-12 of the disclosure. Claim 10 is also amended to specify that the elastomer is ethylene-propylene diene rubber. Support for this is found at page 8, lines 21-24. Typographical errors have also been corrected.

Claims 12, 20 and 21 have been amended to correct the dependencies.

Claim 17 is amended to put it in independent form. Also, it now specifies that there is 10 to 25 parts of ethylene-propylene diene rubber. Support for this is found at page 9, lines 14-17.

New claims 26 and 27 have been added to specify that the resin composition may also include minor amounts of additives. Support for this subject matter is found at page 7, lines 6-13.

Also, new independent claims 10 and 17 now recite "consisting essentially of" instead of "comprising".

Amendments to the Abstract:

As requested, an Abstract beginning on a new page has been added.

Objection under 35 USC 132 and Claim Rejections – 35 USC 112:

In response to the Examiner's objection that new matter was added, the objectionable matter has been cancelled from the claims.

Claim Rejections – 35 USC 102(b):

In the Office Action, the Examiner has rejected pending claims 1-8, 13, 14 and 20 as being anticipated by EP '915. Applicant notes that claims 10 and 17,

Application No.: 10/070,395
Docket No.: DC-0300

Page 7

now independent, were not rejected on this basis. Claims 1-8, 13 and 14 have been canceled whereas claim 20 now depends from claim 10.

In the Office Action, the Examiner has rejected pending claims 1-3, 5, 7-9, 13-16 and 20-23 as being anticipated by EP '901. Applicant notes that claims 10 and 17 were not rejected on this basis. Claims 1-3, 5, 7-9, 13-16 and 22 have been canceled, whereas claims 20, 21 and 23 now ultimately depend from claims 10 or 17.

In the Office Action, the Examiner has rejected pending claims 1-8, 13, 14 and 20 as being anticipated by GB '325. Applicant notes that claims 10 and 17 were not rejected on this basis. Claims 1-8, 13 and 14 have been canceled whereas claim 20 now depends from claim 10.

In the Office Action, the Examiner has rejected pending claims 1-25 as being anticipated by EP '503 and by EP '862. Applicant submits that in view of the amendments made to new independent claims 10 and 17, they are now not anticipated EP '503 and EP '862 for the following reasons.

EP '503:

The Examiner argues that the adhesive compositions disclosed in EP '503 anticipate claims 1-25. The Examiner specifically points to the components of the composition described in the Abstract and on pages 4-6 of EP '503, and to the mixing ratios described on pages 6-7 (see example 3). Laminates are taught on pages 7-8 of EP '503.

The Abstract of EP '503 provides: "An adhesive resin composition comprising and ethylene/vinyl acetate copolymer, ..." At pages 3-6 of EP '503, an adhesive resin composition is disclosed having:

- a) 96-45 parts by weight EVA Copolymer
- b) 1-30 parts by weight Styrene polymer resin
- c) 1-15 parts by weight polyethylene graft modified with unsaturated carboxylic acid or derivative thereof
- d) 1-20 parts by weight of mono-vinyl aromatic hydrocarbon/olefin block copolymer elastomer, and
- e) an ethylene/α-olefin copolymer.

Application No.: 10/070,395
Docket No.: DC-0300

Page 8

The total amount of a, b, c, d and e being 100 parts by weight.

The composition disclosed in EP '503 requires as one of the essential components an ethylene vinyl acetate copolymer. New claim 10 is limited to the presence of polyethylene; there is no ethylene vinyl acetate copolymer in the composition of new claim 10.

Further, EP '503 also requires 1-20 parts by weight of mono-vinyl aromatic hydrocarbon/olefin block copolymer elastomer. This is preferably a styrene-butadiene type copolymer. Example 3 of EP '503 depicts Kraton G (SEBS) as an example of such a copolymer. In the present claims (new independent claims 10 and 17), the resin composition includes the use of high impact polystyrene. There is no reference or suggestion in EP '503 to the use of such a polymer. In EP '503, the definition of styrene polymer is limited as "...includes not only a homopolymer of styrene but also polymers and copolymers of styrene, nuclear substitution product thereof and substitution products of styrene formed by the α -position of the double bond such as chlorostyrene,". This definition covers styrene and styrene copolymers, but it clearly does not include high impact polystyrene.

Therefore, it is submitted that EP '503 does not anticipate new claims 10 and 17 because EP '503 does not teach or suggest the use of high impact polystyrene in the composition.

EP '862:

In its abstract, EP '862 discloses an adhesive resin composition that comprises:

- A. 30 -70 parts by weight of EVA
- B. 0 -50 parts by weight of ethylene/ α -olefin copolymer ...
- C. 0-50 parts by weight of a modified ethylene/ α -olefin copolymer ...
- D. 0-30 parts by weight of modified polyethylene
- E. 1 -20 parts of weight of a tackifier
- F. 1-20 parts by weight of a styrene polymer,

At page 5 of EP '862, the adhesive composition is described as having:

- A. 30 -70 parts by weight of EVA – preferably 40-60 parts by weight

Application No.: 10/070,395
Docket No.: DC-0300

Page 9

- B. 0 -50 parts by weight of ethylene/α-olefin copolymer - preferably 5-30 parts by weight, specially preferably 10-20 parts by weight
- C. 0-50 parts by weight, preferably 10 to 40 parts by weight, specially preferably 15-35 parts by weight of a modified ethylene/α-olefin copolymer ...
- D. 0-30 parts by weight of modified polyethylene, preferably 1 to 20 parts by weight, specially preferably 5-15 instead of C) component where C) is not compounded.
- E. 1 -20 parts by weight of a tackifier, preferably 3-20 parts by weight, specially preferably 5-15 parts by weight
- F. 1-20 parts by weight of a styrene polymer, preferably 2-15 parts by weight, specially preferably 3-10 parts by weight.

The Examiner also pointed to Examples 4 and 5. Each of Examples 4 and 5 used 10 parts of a Tackifier (alicyclic hydrogenated petroleum resin). EP '862 defines at page 4 a "tackifier" as a material used in hot-melt adhesives or wrap films in order to impart adhesiveness, for example, coumarone-indene resins, ...

First, it is to be noted that the compositions disclosed in EP '862 all require an EVA copolymer. New claim 10 does not have an EVA copolymer.

As well, the compositions disclosed in EP '862 require as one of their essential components a tackifier that is defined as a material used in hot-melt adhesives or wrap films to impart adhesiveness. Independent claims 10 and 17 of the present application now recite "consisting essentially of", and a tackifier is not one of the listed components. Thus, it is submitted that EP '862 does not anticipate new claims 10 and 17 for this reason.

In conclusion, Applicant submits that the newly amended set of claims is not anticipated by the cited references, and in particular by EP '503 and EP '862.

Application No.: 10/070,395
Docket No.: DC-0300

Page 10

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

ROBERT B. STEVENSON
Attorney for Applicants
Registration No. 26,039
Telephone: 302-992-6824
Facsimile: 302-992-3257

Dated: April 22, 2004.